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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,299	12/03/2003	Brian Jones	60001.286US01	5350
27488 7590 01/16/2008 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER RIES, LAURIE ANNE	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 01/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,299

Applicant(s)

JONES ET AL.

Examiner

Laurie Ries

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 11-15 is/are allowed.
- 6) ☒ Claim(s) 10 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/15/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for Continued Examination, filed 29 October 2007, and IDS, filed 15 November 2007, to the Original Application filed 3 December 2003.
2. The rejection of claims 1-3, 5-9, 12-17, and 20-21 under 35 U.S.C. 103(a) as being unpatentable over McLean (U.S. Patent Publication 2002/0124115 A1) in view of Kucera (U.S. Patent 4,864,501) has been withdrawn as necessitated by amendment.
3. The rejection of claims 4, 10-11, and 18-19 under 35 U.S.C. 103(a) as being unpatentable over McLean (U.S. Patent Publication 2002/0124115 A1) in view of Kucera (U.S. Patent 4,864,501) and Ovil (U.S. Patent Publication, 2004/0030540 A1) has been withdrawn as necessitated by amendment.
4. Claims 1-21 are pending. Claims 1, 8, and 15 are independent claims.

Request for Continued Examination

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 October 2007 has been entered.

Response to Arguments

6. Applicant's arguments, see Request for Continued Examination, filed 29 October 2007, with respect to claims 1-21 have been fully considered and are persuasive. The rejection under 35 U.S.C. 103(a) of claims 1-21 has been withdrawn.

Claim Objections

7. Claim 10 is objected to because of the following informalities: In line 2, "on" should read "one". Appropriate correction is required.

It is recommended that claims 1-7 be amended to read: "The ~~tangible~~ computer-readable storage medium" in line 1 of each claim to clarify what is meant by a tangible computer-readable medium as described in the Instant Specification, page 4, lines 22-27.

Claim Rejections - 35 USC § 112

8. Claims 10, and 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the third XML element" and "the fourth XML element" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim 16 recites the limitation "the third XML element" and "the fourth XML element" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim 19 recites the limitation "the XML proof state" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 17-21 fully incorporate the deficiencies of the base claim from which they depend and are therefore likewise rejected.

Allowable Subject Matter

9. Claims 1-9 and 11-15 are allowed.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laurie Ries
Patent Examiner
Art Unit 2176